

27530. Adulteration and misbranding of ether. U. S. v. 90 Half-Pound Cans of Ether (and eight other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 37808, 39378, 39384, 39385, 39405, 39433, 39542, 39654, 40170. Sample Nos. 62994-B, 5070-C to 5075-C, incl., 9584-C, 18969-C, 18972-C, 18976-C, 20733-C, 27554-C, 33413-C, 38824-C, 39101-C, 39102-C, 39103-C, 43167-C.)

This product differed from the standard established by the United States Pharmacopoeia for ether, some samples having been found to contain peroxide, others aldehyde, and others both peroxide and aldehyde. Rust was found in samples taken from one lot.

On June 15, 1936, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 half-pound cans of ether at Welch, W. Va. Between the dates of April 14 and August 13, 1937, libels were filed against a total of 396 pound cans, 50 half-pound cans, and 885 quarter-pound cans of ether in various lots at Memphis, Tenn., St. Louis, Mo., Chicago, Ill., Los Angeles, Calif., San Francisco, Calif., Boston, Mass., and Syracuse, N. Y. The libels alleged that the article had been shipped in interstate commerce, the lot seized at Welch, W. Va., on or about February 21, 1936, and the remaining lots between the dates of October 16, 1936, and July 30, 1937, by Merck & Co., Inc., in part from Rahway, N. J., into the States of West Virginia, Missouri, Massachusetts, and New York, in part from Chicago into the State of California, in part from St. Louis into the States of Tennessee and Illinois, and in part from New York, N. Y., into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Ether * * * U. S. P." or "Ether * * * U. S. P. 10."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard was not stated on the label.

The article was alleged to be misbranded in that the following statements on the labels, "Ether * * * U. S. P." or "Ether U. S. P. 10," were false and misleading.

On January 25, May 24, June 7, 8, and 10, August 7, September 14, September 16, and October 22, 1937, no claim having been entered for the product, judgments of condemnation were entered and it was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27531. Misbranding of Pyorrhea Specific. U. S. v. Ampere Products Co. and Raoul H. Schille. Pleas of guilty. Each defendant fined \$12.50 on count 1 and \$100 on count 2; fines on count 2 suspended. (F. & D. No. 37934. Sample No. 43737-B.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects and false and misleading representations regarding its effectiveness as an antiseptic.

On September 24, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ampere Products Co., West Orange, N. J., a corporation, and Raoul H. Schille, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about June 14, 1935, from the State of New Jersey into the State of Massachusetts of a quantity of Pyorrhea Specific which was misbranded. The article was labeled in part: "Pyorrhea Specific * * * Ampere Products Co., West Orange, N. J."

Analysis showed that the article consisted essentially of an aqueous solution of about 0.2 percent of sodium hypochlorite, 3 percent of salt, and a small amount of sodium carbonate. Bacteriological tests showed that it was not antiseptic when used as directed, was not 6.4 times as strong against *Eberthella typhi* as phenol, and was not 5.1 times as strong against *Staphylococcus aureus* as phenol.

The article was alleged to be misbranded in that certain statements borne on the package label and in a circular enclosed therein falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pyorrhea; as a specific for pyorrhea; and as a treatment for pyorrhea alveolaris, periodontoclasia, ulatrophia, gingivitis, alveolar, and pericementoclasia. The article was alleged to be misbranded further in that the following statements on the label, "Result of Tests of APCO No. 35, Phenol Coefficient was determined by the (F. D. A.) Food and Drug Administration method using as test cultures, *Eberthella typhi* (Hopkin's strain) *Staphylococcus aureus* obtained from the